

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of:	)	
	)	
Petition of LCI and CompTel for	)	CC Docket No. 98-56
Expedited Rulemaking To Establish	)	RM-9101
Reporting Requirements and	)	
Performance and Technical Standards	)	
for Operations Support Systems	)	

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**AMERITECH'S REPLY COMMENTS IN RESPONSE TO  
NOTICE OF PROPOSED RULEMAKING**

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The Ameritech Operating Companies<sup>1/</sup> ("Ameritech"), in accordance with the Notice released in this docket on April 17, 1998, respectfully offer the following Reply Comments in response to the Notice of Proposed Rulemaking (the "Notice" or "NPRM").

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<sup>1/</sup> The Ameritech Operating Companies are: Illinois Bell Telephone Company ("Ameritech Illinois"), Indiana Bell Telephone Company, Incorporated ("Ameritech Indiana"), Michigan Bell Telephone Company ("Ameritech Michigan"), The Ohio Bell Telephone Company ("Ameritech Ohio"), and Wisconsin Bell, Inc. ("Ameritech Wisconsin").

## I. INTRODUCTION AND SUMMARY

Thirty-five parties representing virtually every segment of the local telecommunications industry have filed thousands of pages of comments on the Notice. Putting aside the familiar rhetoric, there is a surprising consensus on many issues. *First*, there is general support for the Commission's overarching principle that each measure should be subjected to a rigorous cost-benefit test.<sup>2/</sup>

*Second*, there is a core list of proposed measures that virtually all commenters support, subject to modifications and variations necessary to reflect carrier-specific circumstances. That is to say, 25 of the proposed measures (as modified) will provide meaningful data, and can be feasibly and cost-effectively reported by most major incumbent LECs using existing systems, software and procedures.<sup>3/</sup> Perhaps more importantly, these core measures are comprehensive

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<sup>2/</sup> Association for Local Telecommunications Service ("ALTS"), at ii; Bell Atlantic, pp. 5-8; BellSouth, p. 6; General Services Administration ("GSA"), p. 10; GTE, pp. 4-5; GST Telecom, pp. 5-8; Independent Telephone & Telecommunications Alliance ("ITTA") pp. 13-14; Mediaone, p. 8; National Exchange Carrier Association ("NECA"), p. 2; Sprint, p. 2; Teleport Communications Group ("TCG"), p. 5; Public Utilities Commission of Texas ("PUCT"), p. 2; United States Telephone Association ("USTA"), p. 18; WorldCom, p. 4.

<sup>3/</sup> Ameritech and the other BOCs all opposed five measures -- Average Coordinated Customer Conversion Interval, Average Jeopardy Notice Interval, Percent Orders Given Jeopardy Notices, Percent of Accurate 911 Database Updates (SBC proposed an alternative), and Percentage of Missed Due Dates for 911 and E911 Database Updates/ Average Time to Updates 911 and E911 Databases (SBC proposed an alternative). In five cases, one or two BOCs opposed a measure that Ameritech supported -- Average Submissions Per Order (Ameritech and SBC proposed alternatives and Bell Atlantic and BellSouth opposed), Average Time to Answer Competing Carrier Calls (only Bell Atlantic opposed), Average Time to Answer OS/DA (Ameritech and SBC proposed alternatives and Bell Atlantic and BellSouth opposed), Average Time to Respond to a Collocation Request (SBC and BellSouth supported, Ameritech proposed an alternative and Bell Atlantic opposed), and Percent of Due Dates Missed with Respect to the Provision of Collocation Arrangements (SBC supported, Ameritech and BellSouth

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and address each area that the Commission has identified for measurement. Attachment 1 to these Reply Comments presents a matrix that lists each of these core measures, the incumbent LECs that supported them, and the proposed modifications and carrier-specific variations necessary to make them meaningful and cost-effective. This core list can serve as the basis for contract negotiations between incumbent LECs and requesting carriers, and as a reference for state commissions and federal courts in arbitration disputes. In the interest of completeness, Attachment 1 also identifies the proposed measures on which there is disagreement, and the reasons for such disagreement.

*Third*, but just as important, there is also general agreement that statistical analysis is necessary before the above measures can be used to gauge performance.<sup>4/</sup> Ameritech, along with AT&T (pp. 49-55) and US West (pp. 34-35), have provided detailed proposals on the specific statistical methodology and tools that should be used, and they agree on most of the parameters of that statistical analysis. For that reason, the Commission should consolidate the statistical proposals of AT&T, US West and Ameritech, and seek an additional, focused round of comments on them (and in particular, on the areas where the three proposals diverge).

Notwithstanding these three general areas of consensus, there are several important areas of contention. At the most basic level, although many commenters agree on specific performance measures, there is fundamental disagreement as to their proper source. The Commission chooses regulation, and proposes to offer "model rules." Some of Ameritech's

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proposed alternatives, and Bell Atlantic opposed).

<sup>4/</sup> Allegiance, p. 7; ALTS, p. 19; AT&T, p. 45; GSA, p. 11; MCI, p. 34; Sprint, p. 6; SBC, p. 24; TCG, p. 20; PUCT, p. 8; US West, p. 34.

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competitors take a more extreme approach, asking the Commission to unilaterally impose binding national rules. But, as Ameritech demonstrated in its Comments, and as the other comments -- on both sides of the issue -- confirm, this Commission has no jurisdiction to impose performance measures, either by regulatory decree or quasi-regulatory "suggestion." Rather, the 1996 Act assigns performance measurement to private negotiation between carriers, and if necessary, State commission arbitration and judicial review, as set forth in §§ 251 and 252. A few commenters argue that the Commission has jurisdiction to regulate performance measures, citing the Eighth Circuit's Iowa Utilities Board decision.<sup>5/</sup> But the reality is quite the opposite -- the Eighth Circuit's opinion confirms that performance measures are a matter for private contracts.

The wisdom of the 1996 Act's deregulatory approach is demonstrated by the range of measures and modifications proposed by the incumbent LECs and CLECs to accommodate unique conditions. And Ameritech's experience shows that the 1996 Act's deregulatory framework is performing just as Congress intended, without need for regulatory intervention. Notwithstanding the well-worn, but largely unsubstantiated, gripes of certain CLECs, Ameritech has made significant progress in deploying electronic interfaces and in providing access to its OSS (as the Commission itself has observed). OSS performance is not a barrier to entry, nor does it need to be dissected by Commission regulation.

As a result, the Commission should limit this proceeding to providing principles and guidance that can facilitate local contract negotiations and state commission arbitrations.

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<sup>5/</sup> Allegiance, pp. 4-7; ALTS, p. 2; CompTel, p. 12; AT&T, pp. 8-13; GST, p. 2; MCI, p. 21; LCI, p. 7.

Ameritech supports this objective and submits that it is what NARUC likely had in mind when it asked for the Commission's assistance, since NARUC could scarcely convey jurisdiction over local matters to this Commission.

With respect to the substance of proposed performance measures, Ameritech has already filed extensive Comments addressing each of the proposals and questions raised in the Notice. Ameritech will not repeat or re-argue its Comments here. Rather, these Reply Comments will address new proposals and arguments.

*First*, several CLECs, not content with the extensive list of measures proposed by the Commission, venture well beyond the scope of the Notice. Rather, these CLECs seek to resurrect hundreds of additional measurements that were proposed by LCUG<sup>6/</sup>, but which the Commission has already carefully considered and properly rejected. None of these commenters provide or even attempt to provide any evidence that challenges the Commission's reasons or logic for rejecting these LCUG measurements. The Commission should reject this "one step forward, two steps backward" approach on its face.

*Second*, some commenters cast aside their asserted support for the Commission's cost-benefit test and seek to significantly expand and further complicate the task of reporting performance by advocating new measures and additional, near-microscopic levels of disaggregation. These commenters make no showing that any of these new measurements are feasible, cost-effective, meaningful or necessary.<sup>7/</sup> Moreover, many proposals are redundant.

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<sup>6/</sup> See, e.g., Allegiance, p. 15; AT&T, pp. 18-19; LCI, p. 10; MCI, pp. 8-9.

<sup>7/</sup> See, e.g., Allegiance, p. 15; AT&T, pp. 18-19; LCI, p. 10; MCI, p. 8-9.



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The Commission should reject such proposals, which conflict with the 1996 Act's deregulatory intent and with the Commission's own cost-benefit approach.

Indeed, there is no credible dispute that adding the myriad measures and levels of disaggregation suggested in the comments would increase exponentially an already overwhelming and complex task. Ameritech estimates that it presently reports approximately 9,500 different performance results. The corresponding paperwork is immense. Attachment 2, a photograph of just one month of Ameritech's performance reports, graphically brings home the already-heavy burden of performance measurement. The gentleman standing next to the reports is Mr. Warren Mickens, Vice President of Operations for Ameritech's wholesale business unit. Mr. Mickens is 6 feet 1 inch tall -- and the monthly stack of performance reports reaches literally up to his neck.

Ameritech now spends about \$20.1 million per year to report all network (wholesale and retail) measurements for internal, state and Commission (ARMIS) use. If the Commission's proposals were put in place, the volume of monthly performance reports would increase to a staggering 45,000 results and the stack of reports would exceed four full-grown persons. The projected annual cost of providing this proposed level of measurement would be \$31.7 million per year. If the further requests contained in AT&T's comments alone were adopted, Ameritech's reporting burden would balloon to a whopping 10.2 million results each month, at an estimated annual tab of \$55 million. A stack of performance reports that high would likely exceed the collective reach of the World Champion Chicago Bulls. And the projected \$55 million price tag does not consider the impact on service quality that such a substantial drain on

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resources and personnel would naturally have. It must be remembered that incumbent LECs are telecommunications carriers, not accounting firms or statisticians.

*Third*, some commenters propose that the Commission adopt or at least enforce national minimum performance standards.<sup>8/</sup> The Commission cannot and should not impose national standards to measure performance. Where there is a retail analog, the performance on the retail service is the standard. Where there is no retail analog, the parties must agree upon an appropriate level of performance based upon local circumstances and needs -- within the framework of negotiation, arbitration, and judicial review that Congress established for reaching such agreements. In no event is this an area where the Commission can or should impose uniform national requirements.

*Fourth*, several parties propose the imposition of some form of automatic sanctions if an incumbent LEC misses a statistical test or fails to perform at a standard level.<sup>9/</sup> Ameritech and other incumbent LECs recognize that sanctions may be appropriate where it is proven that an incumbent LEC has failed to meet its statutory or contractual obligations.<sup>10/</sup> In fact, many of Ameritech's interconnection agreements already provide for such sanctions in appropriate cases. However, imposition of automatic sanctions based solely on the result of a performance measurement is an overly confrontational, litigious and simplistic approach, and would in many cases punish incumbent LECs where no discrimination has occurred.

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<sup>8/</sup> AT&T, pp. 13-17; CompTel, p. 8; GST, p. 5; MCI, pp. 4-5; LCI, p. 4; Sprint, pp. 3-5; TCG, p. 16; WorldCom, pp. 5-6.

<sup>9/</sup> ALTS, pp. 23-24; MCI, p. 24; LCI, p. 12; WorldCom, p. 24.

<sup>10/</sup> Bell Atlantic, p. 11; BellSouth, p. 33; SBC, p. 30.

As Ameritech demonstrated in its Comments, sanctions cannot be imposed based solely on numeric results, even after statistical analysis. In many cases, the data may indicate possible discrimination when in fact none exists. As a result, a finding of discrimination should only be made after (1) a thorough investigation of all the relevant facts, such as the differing facilities and network configurations of both carriers, to determine the cause of any perceived difference in performance; (2) a determination as to whether the causes are controlled by the CLEC, the incumbent LEC, or whether they are beyond the control of both, *i.e.*, where the difference in performance may be an inherent part of the service or network configuration; and (3) an assessment of how long the difference has existed and whether it is isolated or spread across many geographic areas, products and measurements.

**II. THE COMMISSION HAS NEITHER JURISDICTION NOR A ROLE IN DEVELOPING PERFORMANCE MEASUREMENTS.**

**A. The Eighth Circuit's Decision Does Not Support The Commission's Assertion Of Jurisdiction, And In Fact Confirms That The Proposed Model Rules Violate The Language, Structure, And Purposes Of The 1996 Act.**

As Ameritech demonstrated in its Comments (pp. 6-14), this Commission does not have jurisdiction to promulgate rules on performance measures. Moreover, such rules would affirmatively violate the language, structure, and purposes of the 1996 Act, which leaves performance measures and standards to the deregulatory process of private negotiation, State commission arbitration, and federal judicial review. Many other commenters agree, and have noted the same conflict.<sup>11/</sup>

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<sup>11/</sup> Alltel, pp. 2-4; BellSouth, p. 35; CBT, pp. 8-9; GTE, pp. 3-4; SBC, p. 2; US West, pp. 8-9.

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Faced with a lack of Congressional authorization, and with the conflict between the proposed "model rules" and the deregulatory framework that lies at the heart of the 1996 Act, Ameritech's competitors have turned to a surprising source: The Eighth Circuit's decision in Iowa Utilities Board v. FCC, 120 F.3d 753 (8th Cir. 1997). Far from supporting the Commission's unfounded claim of jurisdiction, the Eighth Circuit's decision confirms that no jurisdiction exists.

First, the Eighth Circuit held that the 1996 Act grants jurisdiction to this Commission only in six narrowly defined areas -- none of which includes or encompasses performance measures, and none of which is even asserted by this Commission as a jurisdictional base. Moreover, the Eighth Circuit held that rates for resale, unbundled network elements, and interconnection are to be determined in State commission arbitrations, and are off limits to the Commission. Because the Act repeatedly uses "rates" in conjunction with terms and conditions, the necessary implication is that such terms and conditions -- including performance measures -- are likewise off limits. And finally, the Eighth Circuit held that State commissions (with federal judicial review as appropriate) have primary authority to enforce interconnection agreements. Performance measures and standards -- which are, at most, a means to enforce contractual obligations -- must likewise be left to the process by which contractual obligations are created and enforced.

Unfazed, some of Ameritech's competitors assert that the Eighth Circuit, by upholding the Commission's power to define unbundled network elements under § 251(d)(2), somehow licensed the Commission to establish detailed performance measures -- not only for unbundled

network elements, but also for resale and interconnection. Whatever authority the Commission might have to determine what network elements should be made available for purposes of § 251(c)(3) of the 1996 Act, that determination does not carry with it the authority to regulate the terms and conditions of their provision. To the contrary, the Eighth Circuit specifically held that the 1996 Act does not empower this Commission to set prices for network elements, notwithstanding the Commission's asserted authority to define network elements under § 251(d)(2). Thus, even the Notice does not cite § 251(d)(2) as a jurisdictional basis.

**B. The Act's Process Of Negotiation, Arbitration, And Judicial Review Is Working As Congress Intended, And No Further Regulation Is Required.**

If any further demonstration were needed that performance measures are best left -- as Congress intended -- to private contracts, the comments on the Notice have provided it. Dissatisfied with the Commission's attempt to reach a "common denominator" comprising some 300 performance measures and categories per CLEC per month, numerous CLECs have sought to impose their own idiosyncratic tastes on the rest of the industry. And as support, AT&T (p. 19) asserts that "at least one RBOC" has employed or acquiesced in a variant of its proposed measure, on at least one occasion, and therefore incorrectly assumes that all incumbent LECs can produce such information on a regular basis. On the other hand, several incumbent LECs, particularly smaller-sized or rural LECs, have rightly observed that the breadth and detail of the proposed performance measures go well beyond the capabilities of their systems and personnel. (NECA, pp. 2-31; TDS, pp. 2-4; Alltel, p. 8; CBT, pp. 2-5.) And, as Attachment 1 shows, the incumbent LECs propose modifications to virtually every proposed measure in order to accommodate local systems, facilities, and practices.

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The sheer diversity of the measures requested by CLECs, and of the modifications required by the incumbent LECs, shows why model rules are inappropriate. As Attachment 1 shows, performance measurement is a highly carrier-specific endeavor that depends on the systems, facilities, business plans, and practices of each carrier involved, be it an incumbent LEC or a CLEC. Virtually every CLEC has different business plans, and correspondingly different needs for information. Conversely, each incumbent LEC has different facilities, systems, and procedures, and thus different capabilities for producing information. Ameritech is committed to working with individual CLECs in good faith, using the 1996 Act's process of negotiation and arbitration, to balance their particular information needs against Ameritech's capabilities. But attempting to cram all of these diverse situations into a Procrustean set of uniform rules has only one possible result: A lengthy and costly stream of monthly performance information, much of which is not needed or even used by the majority of CLECs that will obtain it, and much of which is beyond the current capabilities of the incumbents that will be ordered to produce it. If anything, the bulk of Ameritech's current monthly performance reports (Attachment 2) already defies any attempt at meaningful management or operational analysis.

The conflict between the regulatory approach of the Notice, and the deregulatory approach intended by Congress, is most evident in the comments of MCI. MCI repeatedly proposes standards that vitiate its current interconnection agreements with Ameritech. For example, the Ameritech-MCI agreements in Illinois, Michigan, Ohio and Wisconsin provide that a collocation request must be answered within 10 days. However, Attachment A of MCI's Comments proposes a 5-business day interval for collocation responses, slashing in half the

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standard to which they agreed and are now bound. Further, MCI seeks to shrink the contractual completion intervals for standard loops from 5-7 days, as its contracts provide, to one business day. Yet MCI also proposes that "no less than 97% of Jeopardies should be received by MCI a minimum of 2 business days prior to the due date indicated on the final FOC." This would apparently require Ameritech to issue jeopardy notices on standard loops before MCI even orders them. Plainly, MCI has not given serious consideration to its own proposals, or to the absurd results to which they would lead.

The commenters' desire to evade the Act's deregulatory framework and impose binding national rules on OSS performance -- not to mention the number of unsubstantiated comments concerning the desire for additional measures and strictures on incumbent LECs -- is bewildering when one considers the current health and growth rate of CLEC business. Over 60 CLECs do business in the Ameritech region alone, and as of June 1, 1998, they cover 800,000 resold lines, 90,000 unbundled loops sold, 160,700 interconnection trunks, and 440 collocation sites, which together address 60 percent of Ameritech's business lines and 40 percent of its residential lines, and which exchange over 10 billion minutes of use. Local entry continues to expand exponentially.

Ameritech's OSS have played a significant part in this competitive entry. Mechanized pre-ordering interfaces have been available to requesting carriers since December 1996; mechanized ordering interfaces have been available since February 1996; and mechanized maintenance interfaces have been available since October 1996. There are twelve CLECs using the pre-ordering interface today, and another nine in the planning and testing stages. These

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CLECs have performed over 1,840,000 pre-ordering transactions since February 1997. Meanwhile, thirty-two CLECs have submitted over 750,000 orders across Ameritech's EDI and ASR interfaces, and another nine CLECs are in the planning or testing stages of implementation. Eleven CLECs have access to Ameritech's repair and maintenance interface. These interfaces give CLECs all the tools that Ameritech retail representatives have at their disposal, and support the expansion of the CLEC business described above. To cite a few examples, Ameritech's 1998 data show that CLECs select due dates within an average time of 7.9 seconds, and retrieve customer service records in less than 20 seconds. Further, Ameritech's average installation interval for resale business services is 2.2 days, and Ameritech meets business due dates 97.4 percent of the time.

The proof of Ameritech's OSS performance is in the level of competitive entry it supports. The literally millions of performance measures proposed by competing LECs in this proceeding appear more designed to waste incumbent LEC resources and to extend indefinitely the time until "compliance" is achieved, rather than to meet any legitimate business need. Indeed, some commenters openly propose a lengthy phase-in period. See Sprint, p. 13 (suggesting one-year phase-in); GST, p. 5 (proposing 6, 12, or 18 month phase-in). Ameritech's competitors obviously are alive and thriving now, without need for such draconian requirements and the massive commitment of resources they would entail.



### III. PROPOSED PERFORMANCE MEASUREMENTS

As Ameritech proposed in its Comments, a performance measure should not be employed unless it passes two tests: It must be meaningful, and it must be cost-effective. This two-part test comports with the cost-benefit principles employed by the Commission throughout the Notice. In this section, Ameritech applies the same two-part test to the various measurements advanced by other commenters.

**A. The Commission Should Not Adopt The Proposed Measures For Coordinated Conversions, Jeopardy Notices, Average Submissions Per Order, and 911 Accuracy and Provisioning.**

Ameritech's Comments have already demonstrated why the proposed measures for coordinated conversions, jeopardy notices, average submissions per order, and 911 accuracy and provisioning should be rejected. None of the first three measures received any serious support in other parties' comments, and further discussion here is unnecessary. However, several commenters seek to expand the Commission's proposed measures for 911 updates, and Ameritech addresses those proposals here.

Ameritech recognizes the critical nature of 911 and E911 emergency services, as do the other commenters. Ameritech also agrees that these services should and do remain under the constant surveillance and review of 911 service providers (*e.g.*, Ameritech and other telephone companies), public safety agencies, and other state and local governmental authorities. One must also keep in mind, however, that the purpose of the performance measures proposed in this proceeding are to identify discrimination, not to assess the overall service level provided to public safety agencies (the customers of 911 services). Many of the proposed performance

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measurements do not assess whether an incumbent LEC is discriminating against a CLEC, but rather are an overall assessment of the quality of 911 and E911 services being provided to public safety agencies. As such, these proposed measures should be rejected.

MCI proposes (Section B, page 35) to measure Percent Database Updates Completed within 24 Hours and Mean Database Update Interval. These are simply variations of the Commission's proposed measures of Percentage of Missed Due Dates and the Average Time to Update the 911 and E911 Databases. The specific variations proposed are: (1) setting 24 hours as the standard due date to process 911 updates; and (2) focusing on Percentage of Due Dates *met* versus *missed*. Ameritech has already discussed at length the defects and limitations of these types of measures. (Ameritech Comments, pp. 49-50.) MCI's proposal suffers from the same flaws, including its failure to distinguish between errors and delays caused by the CLEC versus those attributable to the incumbent LEC.

The Public Utilities Commission of Texas ("PUCT") suggests a variation on the Commission's other proposed 911 performance measure: Percentage of Accurate 911 and E911 Database Updates. The PUCT suggests that the CLEC provide the data file that can be used to validate its listings in the 911 Database.

Ameritech has experience with this type of measurement. In compliance with the Michigan Public Service Commission's ("MPSC") Order in Case No. U-11229, Ameritech validates all updates (from all service providers, including itself) to the 911 database on a monthly basis. Ameritech creates the file necessary to perform the validation and then performs the data validation and resolves all identified discrepancies.

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Ameritech's performance underscores the fact that as a result of the public safety nature of the service, and extensive local scrutiny, there is no need for additional measures of 911 database accuracy. Ameritech's accurate processing of 911 database updates has exceeded 99.99 percent accuracy since the inception of this process in October, 1997. The following table of results, which shows Ameritech and CLEC results for the last three months, puts the numbers in perspective.

	<u>March 1998</u>	<u>April 1998</u>	<u>May 1998</u>
<b>Ameritech</b>			
Number of Records Processed	420,089	337,162	341,264
Number of Discrepancies	7	0	5
Percent Accurate	99.9983%	100%	99.9985%
<b>CLECs</b>			
Number of Records Processed	34,210	22,777	18,122
Number of Discrepancies	0	0	0
Percent Accurate	100%	100%	100%

The above validation, which is performed for Michigan in compliance with the MPSC's order, costs approximately \$209,000 annually. Extending this performance measurement throughout the Ameritech region would be unnecessary, would not provide meaningful data, and would be extremely costly.

MCI also proposes a measure of the Response Time to Database Queries. However, MCI fails to fully define its proposal. Assuming that MCI is referring to the response time to access address information for display at the 911 provider during a 911 call, this measure should be

rejected. It measures an incumbent LEC's overall performance to public safety agencies. It does not reflect the incumbent LEC/CLEC relationship because there is only one database and it contains records from all telephone companies. Thus, the requests of both the CLEC and the incumbent LEC receive the same treatment, and discrimination is not feasible.

**B.     The Commission Should Reject The Proposed "New" Measurements  
Asserted By Ameritech's Competitors.**

The performance measurement plan set forth in Ameritech's Comments and by the other incumbent LECs meets the Commission's overarching, common sense objective of illuminating incumbent LEC performance while minimizing burdens imposed on the incumbent LECs. NPRM, ¶ 46. A performance measure should not be provided just because it can be measured. It must have value, and it must be cost-effective. Several commenters, however, do not share this common sense approach. They go well beyond the measures proposed in the Notice, and offer a daunting array of additional measures and measurement categories. Many of these "new" measures were already contained in the LCUG petition. The Commission has already carefully and correctly considered and rejected them, and the commenters offer no real evidence or grounds to contest the Commission's decision. The remaining proposals likewise fail the basic two-part test; indeed, their proponents make no real attempt to meet that test. The proposed additional measures should accordingly be rejected.

1. **The Proposed Measurements of NXX Code  
Deployment Do Not Measure Incumbent LEC Performance.**

TCG proposes (p. 15) two new measures for central office code (NXX) openings: (1) NXXs loaded and tested prior to the Local Exchange Routing Guide ("LERG") effective date; and (2) Mean time to repair NXX troubles. TCG claims that these measurements are necessary to ensure that CLECs are responding to new service requests in the same time frame as incumbent LECs, and that incumbent LECs consistently load and test new NXXs prior to the LERG effective date. Neither proposal has any merit.

Based on Ameritech's experience over the last two years, the LERG effective dates requested by CLECs for new NXXs are often as much as six (6) months prior to the availability dates of the related CLEC switches and trunking networks. Ameritech cannot load and test new NXXs until it can terminate calls to the "call through test number" over the CLEC's network to its switch. Thus, no testing can be performed until the CLEC network and switch are operational. Currently, Ameritech has hundreds of new CLEC NXX codes on hold past the LERG effective date because the CLEC is not ready to test. If TCG's proposal was put in place, the measurement would convey the erroneous impression that Ameritech missed hundreds of LERG effective dates, when the real issue is CLEC delay. Thus, TCG's proposal is not a measure of incumbent LEC performance, and should be rejected.

Regarding mean time to repair for NXX troubles, Ameritech does not currently perform this measure for its own NXX codes. As a matter of fact, Ameritech's internal processes for repairing NXX troubles do not involve the issuance of trouble tickets; therefore, its tracking system has no mechanized method of computing a mean time to repair. NXX troubles reported

by CLECs are directed to Ameritech's Network Element Control Center and handled as regular trouble reports. These trouble reports are thus reflected in Ameritech's proposed repair reporting measures. Specifically, the Mean Time to Repair NXX Troubles is reflected in the proposed "Average Time to Restore" measurement. Thus, TCG's proposed measure should be rejected because there is not a feasible and cost-effective way to calculate or even develop a retail analog, and because it is redundant.

**2. The Commission Should Reject The Proposed Additional Measures For Operator Services And Directory Assistance.**

With respect to operator services and directory assistance ("OS/DA"), the Commission correctly limits its model rules to the measurement that significantly impacts the customer -- Average Time to Answer. Ameritech already reports a similar measure, with the modifications described in its Comments (pp. 66-68). The measurement of Average Time To Answer is sufficient in light of the fact that Ameritech's OS/DA systems are inherently non-discriminatory. As Ameritech demonstrated in its Comments (p. 67), "the system does not have the capability to report speed of answer separately for CLEC versus Ameritech end users, nor can it distinguish between traffic received on dedicated trunks versus traffic received on common trunks for speed of answer purposes." Put another way, the system automatically treats all calls the same, regardless of source.

Nevertheless, TCG proposes (p. 13) four additional measures for OS/DA: Mean Hold Time, Call Abandonment, Call Blockage, and Average Work Time. Providing additional measures on an inherently non-discriminatory process is nonsensical, and would not produce meaningful results. To reiterate, Ameritech's OS/DA systems do not have the capability to

separate CLEC traffic from Ameritech traffic, either for measurement or discrimination.

Moreover, Ameritech has no business reason to discriminate against CLECs in the areas TCG wants to measure: Any excessive "mean hold times" or "average work time" would require Ameritech to consume additional operator time to support the same call volume, and thus would directly reduce Ameritech's bottom line.

**3. The Commission Should Not Adopt The Additional Proposed Measures For Unbundled Network Elements.**

The Commission has proposed, and Ameritech's Comments support, extensive order, order status, and repair and maintenance measures for several separate categories of unbundled network elements. AT&T and MCI, however, introduce still more performance measures for those elements. AT&T proposes (Attach. B-15) that "Function Availability" be measured for "each unique UNE functionality (or combination of UNEs). The number of times that the functionality executes properly is shown divided by the number of times that the execution of the functionality was requested or initiated and expressed as a percentage." Similarly, AT&T proposes that "Timeliness of Element Performance" be measured for "each unique UNE (or combination of UNEs). The number of times that the functionality executes properly within the established standard time frame is accumulated, divided by the number of times that the execution of the functionality was requested or initiated within the result expressed as a percentage." MCI proposes measures (Attach. A, p. 33) that are almost identical to those of AT&T. Neither proposal makes any sense. Once an unbundled loop is provided, the incumbent LEC has no way to measure the number of times the functionality of the loop is "requested or

initiated” by the CLEC. Moreover, to the extent that the loop is damaged or does not function, that fact would be reflected in the maintenance measurements.

**4.     The Commission Has Already Properly Rejected The Proposed Measures For “Order Accuracy.”**

In its Notice (§ 69), the Commission finds that its proposed measure of installation troubles “will provide information about whether the incumbent LEC processed the [CLEC] order accurately” and proposes that measure as a less burdensome surrogate for LCUG’s proposed measurement of “Percentage of Orders Processed Accurately.” The Commission’s proposed measure also has a retail analog for comparative analysis. Notwithstanding the Commission’s conclusion, both AT&T (Attach. B-7) and MCI (Attach A, p. 13) propose to resurrect the burdensome measure of order accuracy, which requires comparing the original account profile and the CLEC order with the service and features reflected upon the account profile following completion of the order. The Commission’s rejection of this redundant and burdensome measure of “order accuracy” was right the first time.

Contrary to the Commission’s finding, MCI speculates that installation troubles will not provide information about order accuracy, because its new customers will hurriedly switch back to the incumbent LEC if there is any problem with their order, rather than simply reporting trouble. MCI presents no evidence to support this implausible scenario (and one would expect that MCI, with its marketing and informational resources, would present evidence if such a phenomenon were taking place). It is Ameritech’s experience that customers call in to report provisioning problems or errors they discover.



AT&T incorrectly states (Attach. B-17) that Ameritech supports its "order accuracy" measure. This is not true. Ameritech has proposed a measure in the past with a similar name, but it related to rejected orders. Ameritech does not support AT&T's proposal because it is redundant and would require a highly labor-intensive effort to generate. Both AT&T and MCI apparently propose that *every single* order be tested for accuracy. The only way Ameritech could fulfill such a testing requirement would be to have service representatives pull every order by hand and manually compare it to the account profile. The resources needed to accomplish this test would be cost prohibitive and truly unnecessary given the Commission's proposed measure for troubles on new installations, which addresses the same objective. Moreover, neither AT&T nor MCI offer a retail equivalent for Percent Order Accuracy (and the notion of manually pulling and checking every retail order is cost-prohibitive on its face). The Commission properly rejected this measure in its Notice.

**5.     The Proposed Measurement of  
Billing Accuracy Has No Reasonable Analog.**

AT&T states (p. 19) that "[t]he principal gap in the Commission's proposed performance measurements is in the area of billing accuracy." AT&T proposes (Attach. B-11, ¶ 5) that incumbent LECs "establish a quality control process . . . that is no less rigorous than the most rigorous quality monitoring established in the ILEC billing service contracts for long distance service providers." AT&T is apparently referring to the Future Optimum State ("FOS") certification process, which involves cooperative transfers of usage records between an incumbent LEC and a long distance provider, so that each carrier can compare and assess the accuracy of its data. This comparison is possible in the long distance market because both the